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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,123	03/10/2004	Kiyoo Morita	Q80239	2479
23373	7590	04/25/2006	EXAMINER	
<b>SUGHRUE MION, PLLC</b> 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				HAUGLAND, SCOTT J
		ART UNIT		PAPER NUMBER
		3654		

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/796,123	MORITA ET AL.	
	Examiner Scott Haugland	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

Claims 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no disclosure in the application as originally filed that the reference holes 10a, 10b are for setting the cartridge in a magnetic tape conveying mechanism as recited in claims 22-24.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 11, lines 11-12, claim 15, lines 11-12, and claim 19, lines 6-7 is inaccurate since the reference holes 10a and 10b are disclosed as being in surfaces on sides of the cartridge.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 14-19, and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (U.S. Pat. No. 3,655,145).

Olsen discloses a magnetic tape cartridge comprising a generally rectangular cartridge case in which a single reel wound with a magnetic tape is rotatably housed. A drawing-out member 74 is provided at one end of the magnetic tape. A magnetic tape drawing-out port 56 is provided on a side surface of the cartridge case at a position apart from a corner of said cartridge case. The magnetic tape drawing-out port 56 is provided between a position corresponding to a screw hole 32 used for assembling upper and lower cases 16, 18 provided in the corner of said cartridge case, and a position corresponding to a reference hole 88 provided in the vicinity of a central portion of the cartridge case. The magnetic tape is capable of being drawn out of the magnetic tape drawing out port by the drawing-out member 74.

With regard to claims 22-24, the reference hole 88 permits setting of the cartridge in a tape conveying mechanism of a drive of a recording/reproducing apparatus.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen.

Olsen discloses a magnetic tape cartridge comprising a generally rectangular cartridge case in which a single reel wound with a magnetic tape is rotatably housed, wherein a magnetic tape drawing-out port 56 is provided on a side surface of the cartridge case at a position apart from a corner of said cartridge case. The magnetic tape drawing-out port 56 is provided between a position corresponding to a screw hole 32 used for assembling upper and lower cases 16, 18 provided in the corner of said cartridge case, and a position corresponding to a reference hole 88 provided in the vicinity of a central portion of the cartridge case. A tape drawing-out member (leader) 74 is provided on an end of the magnetic tape.

Olsen does not explicitly state that the central portion of the tape drawing-out port is located at a position apart from the corner of said cartridge case by a distance equivalent to approximately one quarter of an edge length of the side of the cartridge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the tape drawing-out port 56 at a position apart from the

corner of said cartridge case so that its central portion is approximately one quarter of the edge length of the side of the cartridge from the corner since Olsen shows the port in that location and it would have been clear that locating the port at that location would have been fully capable of operating as desired.

### ***Response to Arguments***

Applicants' arguments filed 2/7/06 have been fully considered but they are not persuasive.

Applicants argue that reference hole 88 in the cartridge of Olsen is in a side surface of the cartridge. However, the language of the claims (e.g., claim 11, lines 11-12) does not distinguish over the Olsen cartridge since the reference holes 10a, 10b of Applicants' cartridge are in a side surface of the cartridge.

Applicants argue that Olsen does not meet the limitations of claims 14 and 16. However, the leader block or drawing-out member 74 in the cartridge of Olsen forms a side wall of the cartridge when it is in a state of disuse since the leader block 74 is stored with a portion of the leader block located externally of the cartridge as shown in Fig. 1. In this configuration, the leader block 74 forms a wall that covers a portion of a wall of the cartridge and closes the tape drawing-out port 56. Drawing-out member 74 is located in drawing-out port 56, is fitted in the drawing-out port 56 due to the similar dimensions of the leader and the opening, and is fixed in drawing-out port 56 due to the retention of the end 87 of the drawing-out member in slot 88. It is noted, contrary to

Applicants' remarks, that Fig. 2 of Olsen shows 74 with a width slightly smaller than the width of the opening 56 and slot 88.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*[Signature]*  
sjh  
4/18/06

*William A. Rivera*

**WILLIAM A. RIVERA**  
**PRIMARY EXAMINER**